

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:

SKYPORT GLOBAL
COMMUNICATIONS, INC.,
Debtor

JOANNE SCHERMERHORN, JOHN K.
WAYMIRE, ET AL.,
PLAINTIFFS

VS.

CENTURYTEL, INC. (A/K/A CENTURYLINK),
CLARENCE MARSHALL, ET AL,
DEFENDANTS

SKYPORT GLOBAL
COMMUNICATIONS, INC., ET. AL
PLANITIFFS

VS.

JOANNE SCHERMERHORN, ET. AL.
DEFENDANTS

CASE NO. 08-36737-H4-11
(Chapter 11)

ADVERSARY NO. 10-03150

ADVERSARY NO. 10-03225

(CONSOLIDATED UNDER
ADVERSARY NO. 10-03150)

ORDER DISPOSING OF DOCKET ITEMS 227 AND 229

On October 14, 2010, the Court conducted a hearing on its order [docket no. 177] directing Joanne Schermerhorn *et al* to appear before it and show cause why they should not be held in contempt of this Court's June 10, 2010 preliminary injunction.

After hearing closing argument on October 15, 2010, the Court announced its findings of fact and conclusions of law into the record. Thereafter, the Court entered its November 9, 2010 order, assigned docket number 243, memorializing its oral ruling on October 15, 2010.

Pursuant to the Court's October 15, 2010 oral ruling, both counsel for Skyport Global Communications, Inc. and Douglas Whitworth transmitted their respective invoices to counsel for Joanne Schermerhorn *et al.* Further pursuant to the Court's October 15, 2010 oral ruling, on October 29, 2010 Joanne Schermerhorn *et al* filed an objection to the reasonableness of the above-described invoices. That objection is assigned docket number 229.

On November 23, 2010, this Court conducted a hearing on the reasonableness of the above-described invoices. At the end of the hearing, the Court stated its findings and conclusions on the record, which findings and conclusions are hereby incorporated by reference. It is therefore

ORDERED that Sam Goldman and Eric Fryar are jointly and severally liable to Skyport Global Communications, Inc. for \$10,200 in attorney fees; it is further

ORDERED that Sam Goldman and Eric Fryar are additionally jointly and severally liable to Skyport Global Communications, Inc. for \$3,125 of costs; it is further

ORDERED that Sam Goldman and Eric Fryar shall cause payment of the above described \$10,200 in attorney fees and \$3,125 in costs to be received and payable to Edward L. Rothberg at 5847 San Felipe, Ste. 2200, Houston, Texas 77057, by 5:00 p.m. Central Standard Time on the tenth day following entry on the docket of this signed order; and it is further

ORDERED that by the eleventh day following entry on the docket of this signed order, Edward L. Rothberg shall file a certificate reciting receipt or non-receipt of the above-described funds.

DATED: December __, 2010

UNITED STATES BANKRUPTCY JUDGE

AGREED ONLY AS TO FORM:

HOOVER SLOVACEK, L.P.

By: /s/ Annie Catmull
EDWARD L. ROTHBERG
State Bar No. 17313990
5847 San Felipe, Ste 2200
Houston, Texas 77057
(713) 977-8686
(713) 977-5395 (fax)

ATTORNEY FOR SKYPORT GLOBAL COMMUNICATIONS, INC.

SAMUEL GOLDMAN & ASSOC.

*No direct authorization from S. Goldman
but pursuant to the attached email W. Steve Smith
advised A. Catmull that S. Goldman has agreed to the form of order.¹*

SAMUEL GOLDMAN
100 Park Ave., 20th Fl.
New York, NY 10017
(212) 725-1400
(212) 725-0805 (fax)

THE FRYAR LAW FIRM

*No direct authorization from E. Fryar
but pursuant to the attached email W. Steve Smith
advised A. Catmull that E. Fryar has agreed to the form of order*

F. ERIC FRYAR
State Bar No. 07495770
1001 Texas Ave., Suite 1400
Houston, Texas 77002
(281) 715-6396
(281) 715-6397 (fax)

ATTORNEYS FOR SCHERMERHORN PLAINTIFFS

¹ This proposed form of order was circulated via email by A. Catmull to S. Goldman, E. Fryar, and W. Steve Smith on November 24, 2010. At a separate hearing conducted November 30, 2010, at which hearing W. Steve Smith appeared on behalf of Joanne Schermerhorn *et al*, the Court directed A. Catmull to submit this order on or by December 2, 2010, whether or not signatures had been obtained from Sam Goldman and Eric Fryar.

Annie E. Catmull

From: Smith, Steve [ssmith@mcfall-law.com]
Sent: Wednesday, December 01, 2010 12:01 PM
To: Annie E. Catmull; Eric Fryar; Samuel Goldman
Cc: hmrays@mckoolsmith.com; Nicholas Zugaro
Subject: RE: Order Disposing of Docket Items 227 and 229.DOCX [Schermerhorn v Skyport]

Annie,

Both Sam and Eric have authorized me to authorize you to sign with approval this Order.
Steve

W. Steve Smith (<mailto:ssmith@mcfall-law.com>)
McFall, Breitbeil & Smith, P.C.
1250 Four Houston Center
1331 Lamar Street
Houston, Texas 77010-3027
Main Number: 713-590-9380
Main Facsimile: 713-590-9399

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McFall, Breitbeil & Smith, P.C.
<http://www.mcfall-law.com>

From: Annie E. Catmull [<mailto:catmull@hooverslovacek.com>]
Sent: Wednesday, November 24, 2010 2:53 PM
To: Smith, Steve; Eric Fryar; Samuel Goldman
Cc: hmray@mckoolsmith.com; Nicholas Zugaro
Subject: Order Disposing of Docket Items 227 and 229.DOCX [Schermerhorn v Skyport]

Attached please find a proposed order disposing of the court's ruling yesterday. Please email me your signatures or your permission that I may sign on your behalf.

Thanks.

Annie Catmull
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